

Order to Adopt
Title 13, Division 1, Chapter 1
Article 2.55 – California Ignition Interlock Device Program

§ 125.12. Service and Maintenance of Ignition Interlock Devices.

(a) A manufacturer shall ensure that an authorized installer has the training and skills necessary to install, troubleshoot, check for proper operation of the device, screen the vehicle for acceptable condition, and complies with the following:

(1) Provides all participants with the following:

(A) A verification of installation report upon installation of an ignition interlock device. The installer shall submit verification forms under the following circumstances:

(i) When a participant is requesting a restricted driver license pursuant to Vehicle Code section 13352(a)(3) through (a)(7) or 13353.3(b)(2)(C), the installer shall complete an original Verification of Installation, form DL 920 (REV ~~7/2010~~ 5/2012), which is hereby incorporated by reference, in accordance with Section 125.16 of this article.

(ii) When a court has ordered the installation of an ignition interlock device, the installer shall complete and submit a court-authorized verification of installation form to the court. The installer shall provide verification of installation to the department and must submit an original Verification of Installation, form DL 920 (REV ~~7/2010~~ 5/2012) or a copy of the court-authorized verification of installation form.

(iii) When the Department of Motor Vehicles has ordered the installation of an ignition interlock device, the installer shall complete and submit to the department a Department of Motor Vehicles Ordered Verification of Ignition Interlock, form DL 924 (REV ~~7/2010~~ 5/2012) which is hereby incorporated by reference.

(B) Written instructions on cleaning and caring for the device.

(C) Written instructions on types of vehicle malfunctions or repairs that may affect the device, and what to do when such repairs are necessary.

(D) Written and hands-on training for the participant and all persons who operate the vehicle on use of the device after it is installed in the vehicle.

(E) A 24-hour emergency phone number that may be used to request assistance in the event of failure of the device or vehicle problems related to operation of the device. The assistance provided by the authorized installer shall include technical information, tow service, or road service. The device shall be made functional within 48 hours of the call for assistance, or the device shall be replaced.

(2) Follows the manufacturer's specifications for service and repair of an ignition interlock device.

(A) Services the device in intervals not to exceed 60 days.

(B) Service shall include, but not be limited to, physical inspection of the device and vehicle for tampering, calibration of the device, and monitoring of the data contained within the device's memory.

(C) Each time a device is serviced, downloads all the data recorded in the device's memory. The electronic log shall specify the corresponding device or participant file identification number (that when accessed will clearly specify the corresponding device), the date the download occurred and can be either a hardcopy or an electronic copy. If an electronic copy is used it shall be electronically maintained and a hardcopy shall be provided upon request. The downloaded data shall also contain a summary report that includes each incident the breath alcohol level was at or above the alcohol setpoint, any attempts to bypass or tamper with the device and shall specify the corresponding device or participant file identification number, and date the download occurred.

(D) Each time a device is serviced, a hardcopy of the summary report shall be included in the participant's file.

(E) Each time a device is serviced, a hardcopy of the calibration results shall be included in the participant's file.

(F) If an installed device is replaced with another device, the event shall be documented. The documentation shall specify each device and the documentation shall be included in the participant's file.

(G) If a participant fails to return the vehicle for recalibration within 60 days, and does not contact the installer to reschedule the appointment for service, the installer shall schedule another appointment within seven days of the missed appointment. The installer shall notify the participant of the new appointment by mail and by telephone, if possible. If the participant fails to keep the second appointment, and does not contact the installer to reschedule the appointment, the installer shall schedule a third appointment within seven days of the missed appointment. The installer

shall notify the participant of the new appointment by mail and by telephone, if possible. If the participant fails to keep the third appointment, the installer shall report the participant's non-compliance to the department on the Notice of Non-Compliance, form DL 921 (NEW 11/99), pursuant to Section 125.18 of this article.

(H) If the participant is unable to return the vehicle for recalibration within 60 days due to military service, a family death, or similar event beyond the control of the participant, and the participant can document the event to the satisfaction of the installer prior to non-compliance being reported to the department by the installer, the installer may extend the time for recalibration as appropriate. A copy of the documentation shall be included in the participant's file. If the participant fails to return the vehicle for recalibration as scheduled, the installer shall follow the procedure in subdivision (G) to determine non-compliance.

(3) Conducts physical tamper inspections every time the device is serviced, or given routine inspection, maintenance, or repair, or is replaced.

(A) A tamper inspection shall include checking the device for proper operation of tamper detection capabilities. If tampering is detected, the inspection shall also include installation wiring connection and tamper seals.

(B) Documenting evidence of tampering shall include photographing the damage, an electronic log hardcopy, or completing a comprehensive incident report or other written documentation. If originals of such evidence are sent to a court or the department, copies shall be included in the participant's file.

(C) The installer shall report any evidence of attempts to bypass or circumvent the device or of physical tampering to the appropriate court or the department within three working days. When reporting such evidence to the department, the installer shall complete the Notice of Non-Compliance, form DL 921 (NEW 11/99) pursuant to Section 125.18 of this article.

(D) After the evidence of tampering has been recorded or photographed, and reported to the appropriate court or the department, the installer shall restore the system and its tamper seals, or equivalents, and all other components to their original condition to prevent further abuse.

(E) If a participant fails to maintain the device pursuant to Section 23573 or 23575 of the Vehicle Code, the installer shall report non-compliance to the appropriate court or the department as required by statute, within three working days.

(F) When reporting non-compliance to the court personnel or the Department of Motor Vehicles, the installer shall follow procedures and forms provided by the appropriate court and the Department of Motor Vehicles and a copy shall be included in the participant's file.

(b) Whenever a device is removed, a manufacturer shall ensure that the vehicle is restored to its original condition by the authorized installer. When reporting the removal to the court personnel, the installer shall follow procedures and forms provided by the appropriate court and a copy shall be included in the participant's file or an "Ignition Interlock Notice of Removal," form DL 922 (REV ~~4/2007~~ 4/2011), which is hereby incorporated by reference, pursuant to Section 125.20 of this article, shall be sent to the department, within three working days after removal of a device.

(c) A manufacturer shall be responsible for providing continuing service by an authorized installer during the period the device is installed, without interruption, when an authorized installer is replaced with another affiliated authorized installer or replaced with another authorized installer affiliated with another manufacturer.

(1) The manufacturer shall obtain all participant files from an authorized installer being replaced, and shall provide the participant files to the new installer.

(2) The manufacturer shall ensure that each participant with an existing, installed device is able to obtain the required service within a similar distance or less from the participant's residence or place of business. If there are installed devices for which authorized service is no longer accessible, such devices shall be replaced by the manufacturer, at no cost to the participant, with a device from another manufacturer's authorized installer located at a similar distance or less from the participant's residence or place of business.

(3) The manufacturer shall make every effort to notify all participants of a change of the authorized installer or replacement of the device 30 days before the change or replacement will occur. When the manufacturer is unable to notify participants 30 days prior to the change or replacement, the manufacturer shall notify all participants of the change as soon as possible.

(4) The removal of the device shall be recorded on an Ignition Interlock Notice of Removal form DL 922 (REV ~~4/2007~~ 4/2011) pursuant to Section 125.20. Section II of the Ignition Interlock Notice of Removal form DL 922 (REV ~~4/2007~~ 4/2011) is not applicable for this type of removal. The installation of the new manufacturer's device shall be recorded on a Verification of Installation form DL 920 (REV ~~7/2010~~ 5/2012) pursuant to Section 125.16. To substantiate that no break in service has occurred, the department copies of the Verification of Installation form DL 920 (REV ~~7/2010~~ 5/2012) and Ignition Interlock Notice of Removal form DL 922 (REV ~~4/2007~~ 4/2011) shall be submitted to the department together.

California Ignition Interlock Device Program
Order to Adopt

(d) A manufacturer shall be responsible for providing continuing service by an authorized installer during the period the device is installed, without interruption, when the participant elects to transfer to an affiliated authorized installer or to another authorized installer affiliated with another manufacturer.

(1) The participant's file shall be transferred pursuant to the procedures described in Section 125.12(c)(1).

(2) The device removal and installation shall be recorded and reported pursuant to the procedures described in Section 125.12(c)(4).

Note: Authority cited: Section 1651, Vehicle Code. Reference: Sections 13353.3, 13386, 23573 and 23575(g), Vehicle Code.

§ 125.16. Verification of Installation.

(a) Unless the participant is ordered by the court to install an Ignition Interlock Device, upon application for a restricted driver license pursuant to Vehicle Code section 13352(a)(3) through (a)(9), the participant shall submit the \$15 fee specified in Section 124.95 of Title 13 of the California Code of Regulations and a Verification of Installation Ignition Interlock, form DL 920 (REV ~~7/2010~~ 5/2012), which is hereby incorporated by reference. This fee and form is in addition to all other application requirements.

(b) (1) Pursuant to Vehicle Code section 13352 (a)(3) and (a)(5) a participant shall submit a Verification of Installation Ignition Interlock, form DL 920 (REV ~~7/2010~~ 5/2012) and a ~~forty five dollar (\$45)~~ administrative service fee.

(2) Pursuant to Vehicle Code section 13353.3(b)(2)(C), a participant shall submit a Verification of Installation Ignition Interlock, form DL 920 (REV 5/2012) and a \$40 administrative service fee.

(c) If an ignition interlock device is ordered by the court, the participant shall submit an original Verification of Installation Ignition Interlock, form DL 920 (REV ~~7/2010~~ 5/2012) or the court ordered verification of installation form to the department.

(d) The Verification of Installation Ignition Interlock, Form DL 920 (REV ~~7/2010~~ 5/2012), may contain the date of the next monitor check.

(e) A manufacturer shall account for each Verification of Installation Ignition Interlock, form DL 920 (REV ~~7/2010~~ 5/2012), issued to the manufacturer. If any unused forms become lost, stolen, or misplaced the manufacturer shall immediately notify local law enforcement and provide written notification to the department.

(f) Completed copies of the Verification of Installation Ignition Interlock, form DL 920 (REV ~~7/2010~~ 5/2012), shall be distributed as follows:

California Ignition Interlock Device Program
Order to Adopt

(1) The original completed Verification of Installation Ignition Interlock, form DL 920 (REV ~~7/2010~~ 5/2012), shall be submitted to the department at a local field office, or mailed to the Department of Motor Vehicles, Mandatory Actions Unit, Mail Station J233, P.O. Box 942890, Sacramento, California, 94290-0001.

(2) One copy each shall be provided to the driver, the authorized installer of the device to include in the participant's file, and the manufacturer of the device or the manufacturer's agent, if applicable.

Note: Authority cited: Sections 1651, 13352 and 13386, Vehicle Code. Reference: Sections 1652, 13352, 13353.3 and 13386, Vehicle Code.

§ 126.00. Verification of Installation for Department of Motor Vehicles Required Ignition Interlock Device.

(a) Upon the department's receipt of notification from the court of a conviction of Vehicle Code section 14601.2, 14601.4 or 14601.5, the department shall notice the participant of the requirement to install an ignition interlock device, certified pursuant to Section 125.02 of this article, within 30 days of the mail date of the notice, unless the participant meets all the exemptions provided in Vehicle Code section 23573(g).

(b) Upon notification of the requirement to install an ignition interlock device, the participant shall submit the following to the department:

(1) A Department of Motor Vehicles Ordered Verification of Ignition Interlock, form DL 924 (REV ~~7/2010~~ 5/2012), which is hereby incorporated by reference.

(2) A ~~forty dollar (\$40)~~ administrative service fee required pursuant to Vehicle Code section 23573(c)(3).

Note: Authority cited: Section 1651, Vehicle Code. Reference: Sections 1652, 14601.2, 14601.4 or 14601.5 and 23573, Vehicle Code.

§ 126.02. Distribution of Verification of Installation, Form DL 924.

(a) Completed copies of the Department of Motor Vehicles Ordered Verification of Installation, form DL 924 (REV ~~7/2010~~ 5/2012), shall be distributed as follows:

(1) The original completed form DL 924 (REV ~~7/2010~~ 5/2012) shall be submitted to the department at a local public field office or mailed to the Department of Motor Vehicles, Mandatory Actions Unit, Mail Station J233, P.O. Box 942890, Sacramento, California, 94290-0001.

(2) One copy each shall be provided to the driver, the authorized installer of the device to include in the participant's file, and the manufacturer of the device or the manufacturer's agent, if applicable.

California Ignition Interlock Device Program
Order to Adopt

(b) A manufacturer shall account for each Department of Motor Vehicles Ordered Verification of Installation, form DL 924 (REV ~~7/2010~~ 5/2012), issued to it by the department. If any unused forms become lost, stolen or misplaced, the manufacturer shall immediately notify local law enforcement and provide written notification to the department.

Note: Authority cited: Section 1651, Vehicle Code. Reference: Section 23573, Vehicle Code.

§ 127.00. Ignition Interlock Device Restriction.

The requirement of a person to participate in this pilot program is based upon the location of the county where the person was convicted.

(a) Pursuant to Vehicle Code section 23700, a person convicted of Vehicle Code section 23152 or 23153, in the county of Alameda, Los Angeles, Sacramento or Tulare, shall be required to install an ignition interlock device for the term required by Vehicle Code section 23700(a)(7).

(b) Upon receipt of notification from a court located in the county of Alameda, Los Angeles, Sacramento or Tulare of a conviction of Vehicle Code section 23152 or 23153, the department shall require the participant to install an ignition interlock device, certified pursuant to Section 125.02 of this article, prior to reinstatement of the driving privilege, unless the participant meets all the exemptions provided in Vehicle Code section 23700(a)(8).

(c) Upon reinstatement of the driving privilege, the participant's driver license will be restricted to operating vehicles with an ignition interlock device for the term required in Vehicle Code section 23700(a)(7)(A) or (B).

(d) Prior to reinstatement of the driver license, the participant shall submit a Department of Motor Vehicles Ordered Verification of Installation, form DL 924 (REV. ~~7/2010~~ 5/2012).

(e) A ~~forty-five (\$45)~~ administrative service fee is required pursuant to Vehicle Code section 23700(a)(3)(C).

Note: Authority cited: Sections 1651 and 23700, Vehicle Code. Reference: Sections 23152, 23153 and 23700, Vehicle Code.

§ 127.02. Administrative Fees.

(a) Pursuant to Vehicle Code section 23700(a)(3)(C), a ~~forty-five (\$45)~~ administrative fee is required for participation in this pilot program for a conviction of Vehicle Code section 23152 or 23153.

(b) Pursuant to Vehicle Code section 13352(a)(3)(F) and (5)(F), a ~~forty-five (\$45)~~ administrative fee is required for a participant convicted of Vehicle Code section 23152

California Ignition Interlock Device Program
Order to Adopt

or 23153 who agrees to maintain an ignition interlock ~~ignition~~ device pursuant to Vehicle Code section 13352(a)(3) or (5).

(c) Pursuant to Vehicle Code section 13353.3(b)(2)(C), a \$40 administrative fee is required for a participant convicted of Vehicle Code section 23103, as specified in Vehicle Code section 23103.5, who agrees to maintain an ignition interlock device pursuant to Vehicle Code section 13352.

Note: Authority cited: Sections 1651, 13352 and 23700, Vehicle Code. Reference: Sections 13352, 13353.3 and 23700, Vehicle Code.

§ 127.08. Reset of Ignition Interlock Restriction Term.

Pursuant to Vehicle Code section 23700(a)(10), a person who fails to comply with the required term of the ignition interlock device requirement shall have the duration of the required restriction term paused until the participant provides the department with a Department of Motor Vehicles Ordered Verification of Installation, form DL 924 (REV. ~~7/2010~~, 5/2012). The restriction shall then be re-imposed for the remainder of the original term of the restriction.

Note: Authority cited: Sections 1651 and 23700, Vehicle Code. Reference: Section 23700, Vehicle Code.